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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/092,316      | 03/04/2002  | Jason O'Young        | LCB 388             | 9010             |

7590 01/31/2003

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EXAMINER

BRITTAINE, JAMES R

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 01/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                   |                |
|------------------------------|-------------------|----------------|
| <b>Office Action Summary</b> | Application No.   | Applicant(s)   |
|                              | 10/092,316        | O'YOUNG ET AL. |
|                              | Examiner          | Art Unit       |
|                              | James R. Brittain | 3677           |

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

|   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                           | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 . | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-7, and 10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Wells (US 3717906).

Wells (figures 1, 3, 4) teaches cable tie structure integrally molded from nylon (col. 1, line 49) including a first group of ratchet teeth 23 closer to the locking head 15 and a second group of small teeth 19 of lesser size (col. 1, lines 52-58). The depths are measured relative to their peaks and first group has a depth relative to their peaks greater than the second group.

Claims 1, 4, 7, and 10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Munch (US 4214349).

Munch (figures 1, 2) teaches cable tie structure made from plastic including a first group of ratchet teeth 28 closer to the locking head 15 and a second group of small teeth 19 of lesser size. The depths are measured relative to their peaks and first group has a depth relative to their peaks greater than the second group.

Claims 1, 4-7, and 10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bingold (US 5159728).

Bingold (figures 1A, 5) teaches cuff structure inherently capable of securing two bundles of cables if so desired, wherein the tie structure is integrally molded from nylon and includes a first group of ratchet teeth 36 closer to the locking head 18, 20 and a second group of small teeth 32 of lesser size. The depths are measured relative to their peaks and first group has a depth relative to their peaks greater than the second group.

Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Koike (US 5584452).

Koike (figures 1, 6) teaches harness clip structure inherently usable as a cable tie formed of synthetic resin and includes a first group of ratchet teeth to the left in figure 6 closer to the locking head and a second group of small teeth 20, 16 of lesser size. The depths are measured relative to their peaks and first group has a depth relative to their peaks greater than the second group. The teeth 16 catch in the locking head to temporarily prevent separation (col. 6, lines 27-31).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koike (US 5584452).

Koike (figures 1, 6) teaches harness clip structure inherently usable as a cable tie formed of synthetic resin and includes a first group of ratchet teeth to the left in figure 6

closer to the locking head and a second group of small teeth 20, 16 of lesser size. The depths are measured relative to their peaks and first group has a depth relative to their peaks greater than the second group. The teeth 16 catch in the locking head to temporarily prevent separation (col. 6, lines 27-31). The difference is that the size differential between the two sets of teeth is unstated as being between 0.001 and 0.007 inches and specifically 0.003 inches. However, Koike teaches the use of a size differential to provide temporary engagement wherein the second set of teeth has a lesser depth. It would have been obvious to pick a particular range or particular difference because applicant has not shown any unexpected result over that of the teachings of Koike.

Claims 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koike (US 5584452) in view of Wells (US 3717906).

Koike (figures 1, 6) teaches harness clip structure inherently usable as a cable tie formed of synthetic resin and includes a first group of ratchet teeth to the left in figure 6 closer to the locking head and a second group of small teeth 20, 16 of lesser size. The depths are measured relative to their peaks and first group has a depth relative to their peaks greater than the second group. The teeth 16 catch in the locking head to temporarily prevent separation (col. 6, lines 27-31). The difference is that it isn't stated that the harness clip is molded from nylon. However, Wells (figures 1, 3, 4) teaches cable tie structure integrally molded from nylon (col. 1, line 49) including a first group of ratchet teeth 23 closer to the locking head 15 and a second group of small teeth 19 of lesser size (col. 1, lines 52-58), this use of this material and the molding process being

very well known in the cable tie art. It would have been obvious to modify the harness clip of Koike such that the harness clip is molded from nylon in view of Wells (figures 1, 3, 4) teaching cable tie structure integrally molded from nylon (col. 1, line 49) including a first group of ratchet teeth 23 closer to the locking head 15 and a second group of small teeth 19 of lesser size (col. 1, lines 52-58), thereby showing the use of this material and the molding process being very well known in the cable tie art. As to claims 8 and 9, Koike teaches the use of a size differential to provide temporary engagement wherein the second set of teeth has a lesser depth. It would have been obvious to pick a particular range or particular difference because applicant has not shown any unexpected result over that of the teachings of Koike.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents of Kreiseder (US 4236280), Geisinger (US 3590442), and Junemann (UK 2188362) teach pertinent fastener structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is 703-308-2222. The examiner can normally be reached on Monday - Friday from 5:30 to 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



James R. Brittain  
Primary Examiner  
Art Unit 3677

JRB  
January 27, 2003